



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

**I. ADMINISTRATIVE INFORMATION**

Completion Date of Approved Jurisdictional Determination (AJD): 11/23/2020  
ORM Number: LRN-2000-01798  
Associated JDs: LRN-2000-01798; JD performed by RD in September 2000 and January 2001.  
Review Area Location<sup>1</sup>: State/Territory: TN City: Lebanon County/Parish/Borough: Wilson  
Center Coordinates of Review Area: Latitude 36.143092 Longitude -86.314839

**II. FINDINGS**

**A. Summary:** Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- ☐ The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- ☐ There are "navigable waters of the United States" within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- ☐ There are "waters of the United States" within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- ☒ There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

**B. Rivers and Harbors Act of 1899 Section 10 (§ 10)<sup>2</sup>**

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A.	N/A.

**C. Clean Water Act Section 404**

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): <sup>3</sup>				
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination	
N/A.	N/A.	N/A.	N/A.	

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination	
N/A.	N/A.	N/A.	N/A.	

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):				
(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination	
N/A.	N/A.	N/A.	N/A.	

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination	
N/A.	N/A.	N/A.	N/A.	

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

<sup>3</sup> A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
PND-1	0.06	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Pond excavated and impounded in an upland area for past agricultural uses. Isolated feature with no direct inlet or outlet. Water source is from stormwater runoff. An ephemeral channel forms near the south / downgradient boundary of the pond.
WWC-1	121	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral channel that only flows in response to rainfall. Upland vegetation growing in the channel. Dry during field investigation even after 2.10 inches of rain prior to the visit. The feature drains into an existing rock quarry pit and does not connect to an (a)(1) – (a)(4) waters.
WWC-2	335	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral channel that only flows in response to rainfall. Upland vegetation growing in the channel. Dry during field investigation following a 2.10 inch rain event. Also, the feature drains into an existing rock quarry pit and does not connect to an (a)(1) – (a)(4) waters.
WWC-3	301	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral channel that only flows in response to rainfall. Dry during field investigation following a 2.10 inch rain event. Upland vegetation growing in the channel. Also, the feature drains into an existing rock quarry pit and does not connect to an (a)(1) – (a)(4) waters.
STR-1	424	linear feet	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	Intermittent stream that dissipates down gradient into grassy channel area and then ultimately drains into an existing rock quarry pit. Does not connect or contribute surface water flow to an (a)(1) – (a)(4) waters.
WTL-1	0.01	acre(s)	(b)(1) Non-adjacent wetland.	The feature is an abandoned excavated area/pond that converted to wetland but is not adjacent to any (a)(1) – (a)(4) waters.

<sup>4</sup> Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

<sup>5</sup> Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
WTL-2	0.01	acre(s)	(b)(1) Non-adjacent wetland. Feature ultimately drains into an existing rock quarry pit and does not connect to an (a)(1) – (a)(4) waters.
WTL-3	0.008	acre(s)	(b)(1) Non-adjacent wetland. Feature ultimately drains into an existing rock quarry pit and does not connect to an (a)(1) – (a)(4) waters.

### III. SUPPORTING INFORMATION

**A. Select/enter all resources** that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

☒ Information submitted by, or on behalf of, the applicant/consultant: [A report titled “Jurisdictional Water Report” dated October 8, 2020 submitted by CEC Inc. Additional information with aeriels from September 2020 onsite and PJD information previously prepared for the property received on November 13, 2020.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

☐ Data sheets prepared by the Corps: [Data Sheets prepared by consultant and found in JD Request.](#)

☒ Photographs: [Aerial and Other: 2019 Google aerial imagery of the review area and vicinity dated July 28, 2020 and found within the JD package. Site photos dated July 28, 2020 and September 4, 2020 provided for features and surrounding uplands provided within JD request. Additional information and site photos received on November 17, 2020 provided additional information regarding b\(1\) and b\(3\) features.](#)

☒ Corps site visit(s) conducted on: [Onsite performed for September 2000 and January 2001 PJD](#)

☒ Previous Jurisdictional Determinations (AJDs or PJDs): [PJD determinations in September 2000 and January 2001.](#)

☒ Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

☒ USDA NRCS Soil Survey: [Provided in JD Package and accessed within ORM2](#)

☒ USFWS NWI maps: [U.S. Fish and Wildlife Service National Wetlands Map provided in JD Package and accessed within ORM2.](#)

☒ USGS topographic maps: [Provided in JD Package and accessed within ORM2](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">USGS StreamStats v4.3.11, 1:24,000; Lebanon TN USGS Topographic Map Bartons Creek HUC-12 –051302010306 watershed</a>
<a href="#">USDA Sources</a>	<a href="#">USDA Web Soil Survey <a href="http://websoilsurvey.nrcs.usda.gov">http://websoilsurvey.nrcs.usda.gov</a></a>
<a href="#">NOAA Sources</a>	<a href="#">Earth System Research Laboratory, Physical Sciences Division (historic precipitation data) <a href="http://www.esrl.noaa.gov">http://www.esrl.noaa.gov</a></a>
<a href="#">USACE Sources</a>	<a href="#">Layers accessed include the USGS topographical quad map, USFWS National Wetland Inventory map, and NRCS Soil Survey Map Wilson County N/A.</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">TDEC DWR Guidance for Making Hydrologic Determinations; HD Field Worksheets</a>
<a href="#">Other Sources</a>	<a href="#">FEMA Map Service Center (Flood Insurance Rate Map);</a>



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

- B. Typical year assessment(s):** The consultant, CEC, performed a calculation of the normal weather conditions for Middle TN on a 30-year average rainfall. Three months prior to their field visit, rainfall data recorded April 2020 with 4.82 inches, May 2020 with 2.70 inches, and June 2020 with 3.33 inches. The calculation resulted in a sum value of 12, indicating normal weather conditions for the three month period prior to their field visit in July 2020 (see Table 1 in the JD request package). Additionally, a review of the Tennessee Valley Authority rain gauge data for Lebanon, TN was obtained to determine if rain had fallen in the area within seven days of their site visit on July 28, 2020. According to the website, total precipitation in the area from July 20, 2020 to July 27, 2020 was 2.10 inches (see Table 2 in the JD request package) which is slightly above normal conditions for July of a typical rainfall year.
- C. Additional comments to support AJD:** N/A